

Message Text

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PAGE 01 STATE 195808
ORIGIN L-03

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DRAFTED BY L/M:KEMALMBORG:AD
APPROVED BY L/M:KEMALMBORG
JUSTICE - MR. STEIN (SUB)
EUR/NE - MR. DONCHI
-----076427 031816Z /47

R 031557Z AUG 78
FM SECSTATE WASHDC
TO AMEMBASSY OSLO

UNCLAS STATE 195808

E.O. 11652: N/A

TAGS: PEPR, PINS, NO

SUBJECT: EXTRADITION TREATY

REF: OSLO 3016

1. DEPARTMENT'S LEGAL ADVISER HAS APPROVED FOR NEGOTIATION IN TREATIES SUBSEQUENT TO THAT WITH NORWAY CLAUSES WHICH EXPAND EXTRADITABLE OFFENSES AND WHICH RECOGNIZE BROADER BASIS FOR EXERCISE OF JURISDICTION. US JUSTICE DEPARTMENT HAS REQUESTED THAT WE PROPOSE TO NORWAY REOPENING TEXT PREVIOUSLY NEGOTIATED TO INCLUDE SUCH CLAUSES. WE NOW DOING SO.

2. ON ONE HAND STORTING HAS APPROVED PREVIOUS TEXT AND REOPENING WOULD PRESUMABLY REQUIRE RESUBMISSION WITH CONSEQUENT DELAYS AND UNCERTAINTY. ON OTHER HAND, DURING NEGOTIATIONS NORWEGIAN DELEGATION EXPRESSED PREFERENCE FOR ELIMINATION OF SCHEDULE OF EXTRADITABLE OFFENSES AND NO DOUBT WOULD PREFER NEW CLAUSES.

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3. FOR DISCUSSION PURPOSES, FOLLOWING TEXTS SHOULD BE GIVEN NORWEGIANS:

EXPANDED OFFENSES.

A. ARTICLE 2, PARAGRAPH 1 MIGHT BE AMENDED TO READ

"EXTRADITION SHALL BE GRANTED FOR ANY OFFENSE DESCRIBED IN THE SCHEDULE ANNEXED TO THIS TREATY, WHICH FORMS AN INTEGRAL PART OF THE TREATY, OR FOR ANY OTHER OFFENSE WHEN SUCH AN OFFENSE IS PUNISHABLE BY THE FEDERAL LAWS OF THE UNITED STATES AND BY THE LAWS OF NORWAY, ONLY WHEN BOTH OF THE FOLLOWING CONDITIONS EXIST...".

JURISDICTION.

B. AMEND ARTICLE 1 BY DELETING THE WORDS "COMMITTED WITHIN THE JURISDICTION OF THE OTHER STATE OR OUTSIDE THEREOF UNDER THE CONDITIONS SPECIFIED IN ARTICLE 3" AND SUBSTITUTE FOLLOWING NEW SENTENCE "WHEN THE OFFENSE WAS COMMITTED OUTSIDE THE TERRITORY OF THE REQUESTING STATE, THE CONDITIONS SPECIFIED IN ARTICLE 3, PARAGRAPH 3, SHALL APPLY." DELETE PRESENT PARAGRAPH 3 OF ARTICLE 3 AND SUBSTITUTE "WHEN THE OFFENSE FOR WHICH EXTRADITION IS REQUESTED HAS BEEN COMMITTED OUTSIDE THE TERRITORY OF THE REQUESTING STATE, THE REQUESTED STATE SHALL GRANT EXTRADITION IF THE LAWS OF THAT STATE PROVIDE FOR THE PUNISHMENT OF SUCH AN OFFENSE COMMITTED OUTSIDE ITS TERRITORY, OR IF THE OFFENSE HAS BEEN COMMITTED BY A NATIONAL OF THE REQUESTING STATE."

4. IF NORWEGIANS BELIEVE EITHER OR BOTH CLAUSES SUFFICIENTLY VALUABLE TO THEM TO REOPEN NEGOTIATIONS, WE WILL UNCLASSIFIED

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BE HAPPY TO DO SO. PLEASE ADVISE OF GON REACTION. VANCE

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